

CONFERENCE COMMITTEE REPORT DIGEST FOR ESB 431

Citations Affected: IC 13-11-2; IC 13-18-2-3; IC 13-18-3; IC 13-18-19-2; noncode.

Synopsis: Water quality and combined sewer overflows. Various amendments to water quality and combined sewer overflow laws. Establishes procedures and criteria for listing of impaired waters by the department of environmental management (the "department") for compliance with federal law. Establishes procedures concerning the development of maximum pollutant loads with respect to the impaired waters. Establishes procedures and criteria for the designation of a water body as an outstanding state resource water by the water pollution control board, and for the designation of a water body as an outstanding national resource water by the general assembly upon recommendation of the department and the environmental quality service council. Designates the extent to which certain water bodies must be maintained without degradation of water quality. Directs the department to develop and maintain a quality assurance plan and information management system to assess the validity and reliability of the data used in the listing of impaired waters and the special designation of waters. Directs the department to appoint a water quality task force, establishes the subjects to be studied, and designates the agencies and interest groups from which the membership must be drawn. Provides for the application to exceptional use waters of certain standards applicable to outstanding state resource waters, and for the possible future designation of exceptional use waters as outstanding state resource waters. Requires the water pollution control board to establish policies and rules to govern total maximum daily load requirements. Directs the chairperson of the environmental quality service council to appoint a working group with respect to the implementation of maximum daily load requirements, establishes the duties of the working group, designate the interest groups from which certain members must be drawn, and establishes criteria for the designation of other members. Establishes the circumstances under which a long term control plan for a combined sewer system is considered to fulfill the water quality goals of the state with respect to wet weather discharges that result from overflows from the system. Directs a permit holder to review periodically additional or new measures for the control of wet weather flows, to update the long term control plan with any cost effective measures, and to submit any amendments to the plan to the department for approval. Requires the department to temporarily suspend designated uses and associated water quality standards on a site specific basis with respect to any water affected by discharges from a combined sewer system by wet weather events if the NPDES permit holder has fulfilled certain requirements and if the suspension is permitted under federal law. Provides that the temporary suspension may not extend more than four days after the combined sewer overflow discharge ends. Directs a permit holder to review periodically its use attainability analysis and to report the results of its review to the department. Allows a permit holder to appeal a determination by the department that suspended uses are attainable, and provides for negotiation of a compliance schedule by the department and the permit holder if the department's determination becomes final. Allows the water pollution control board to

adopt rules concerning temporary suspensions, and directs the board to adopt rules concerning community notice of combined sewer overflows. Allows the department to issue NPDES permits that contain conditions that include alternate water quality based effluent limits that: (1) are based on certain receiving water flows; or (2) provide increased mass limitations, concentration limitations, or mass and concentration limitations for publicly owned treatment works. Directs the department to provide guidance to combined sewer overflow communities for compliance with certain requirements of law. (This conference committee report: (1) adds, with respect to combined sewer overflows, the requirement for periodic review of and updating of long term control plans and use attainability analyses, for submission of plan amendments to the department, and for the department to hear an appeal by a permit holder if the department finds that uses being suspended are attainable; and (2) adds all of the provisions described above relating to water quality.)

Effective: Upon passage; July 1, 2000.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT:

Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill No. 431 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 environmental law and to make an appropriation.
- 4 Page 1, line 6, delete "stormwater" and insert "**storm water**".
- 5 Page 2, line 17, delete "allow".
- 6 Page 2, line 18, delete "of".
- 7 Page 2, line 18, delete "before arrival at" and insert "**entering**".
- 8 Page 2, between lines 31 and 32, begin a new paragraph and
- 9 insert:
- 10 "SECTION 6. IC 13-11-2-50.5 IS ADDED TO THE INDIANA
- 11 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 12 [EFFECTIVE UPON PASSAGE]: **Sec. 50.5. "Degradation", for**
- 13 **purposes of IC 13-18-3, has the meaning set forth in**
- 14 **IC 13-18-3-2(b).**
- 15 SECTION 7. IC 13-11-2-72.5 IS ADDED TO THE INDIANA
- 16 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 17 [EFFECTIVE UPON PASSAGE]: **Sec. 72.5. "Exceptional use**
- 18 **water", for purposes of IC 13-18-3, has the meaning set forth in**
- 19 **IC 13-18-3-2(c).**"
- 20 Page 3, between lines 11 and 12, begin a new line block indented
- 21 and insert:
- 22 "**(2) is developed in accordance with the recommendations**
- 23 **set forth in Combined Sewer Overflows Guidance for**
- 24 **Long-Term Control Plan (EPA 832B95002);".**
- 25 Page 3, line 12, delete "(2)" and insert "**(3)**".

- 1 Page 3, line 16, delete "(3)" and insert "**(4)**".
- 2 Page 3, line 23, delete "(4)" and insert "**(5)**".
- 3 Page 3, line 24, delete "(5)" and insert "**(6)**".
- 4 Page 3, line 37, after "alternatives" insert ", **taking into account**
- 5 **expected and projected future growth**".
- 6 Page 4, between lines 7 and 8, begin a new paragraph and insert:
- 7 "SECTION 11. IC 13-11-2-149.5 IS ADDED TO THE INDIANA
- 8 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 9 [EFFECTIVE UPON PASSAGE]: **Sec. 149.5. "Outstanding national**
- 10 **resource water", for purposes of IC 13-18-3, has the meaning set**
- 11 **forth in IC 13-18-3-2(d).**
- 12 SECTION 12. IC 13-11-2-149.6 IS ADDED TO THE INDIANA
- 13 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 14 [EFFECTIVE UPON PASSAGE]: **Sec. 149.6. "Outstanding state**
- 15 **resource water", for purposes of IC 13-18-3, has the meaning set**
- 16 **forth in IC 13-18-3-2(e).**".
- 17 Page 4, between lines 14 and 15, begin a new paragraph and
- 18 insert:
- 19 "SECTION 14. IC 13-11-2-265.5 IS ADDED TO THE INDIANA
- 20 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 21 [EFFECTIVE UPON PASSAGE]: **Sec. 265.5. "Watershed", for**
- 22 **purposes of IC 13-18-3, has the meaning set forth in**
- 23 **IC 14-8-2-310.**".
- 24 Page 4, line 19, delete "flowing into" and insert "**entering**".
- 25 Page 4, between lines 19 and 20, begin a new paragraph and
- 26 insert:
- 27 "SECTION 16. IC 13-18-2-3 IS ADDED TO THE INDIANA
- 28 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 29 [EFFECTIVE UPON PASSAGE]: **Sec. 3. (a) The department shall**
- 30 **prepare a list of impaired waters for the purpose of complying with**
- 31 **federal regulations implementing Section 303(d) of the federal**
- 32 **Clean Water Act (33 U.S.C. 1313(d)). In determining whether a**
- 33 **water body is impaired, the department shall consider all existing**
- 34 **and readily available water quality data and related information.**
- 35 **The department, before submitting the list to the United States**
- 36 **Environmental Protection Agency, shall:**
- 37 **(1) publish the list in the Indiana Register;**
- 38 **(2) make the list available for public comment for at least**
- 39 **ninety (90) days; and**
- 40 **(3) present the list to the board.**
- 41 **If the United States Environmental Protection Agency changes the**
- 42 **list, the board shall publish the changes in the Indiana Register and**
- 43 **conduct a public hearing within ninety (90) days after receipt of the**
- 44 **changes.**
- 45 **(b) The board shall adopt by rule the methodology to be used**
- 46 **in identifying waters as impaired. The rule must specify the**
- 47 **methodology and criteria for including and removing waters from**
- 48 **the list of impaired waters.**
- 49 SECTION 17. IC 13-18-3-2 IS AMENDED TO READ AS
- 50 FOLLOWS [EFFECTIVE JULY 1, 2000]: **Sec. 2. (a) The board may**
- 51 **adopt rules under IC 4-22-2 that are necessary to the implementation**

of:

- (1) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), as in effect January 1, 1988; and
- (2) the federal Safe Drinking Water Act (42 U.S.C. 300f through 300j), as in effect January 1, 1988;

except as provided in IC 14-37.

(b) "Degradation" means, with respect to a National Pollutant Discharge Elimination System permit, the following:

(1) With respect to an outstanding national resource water, any new or increased discharge of a pollutant or a pollutant parameter, except for a short term, temporary increase.

(2) With respect to an outstanding state resource water or an exceptional use water, any new or increased discharge of a pollutant or pollutant parameter that results in a significant lowering of water quality for that pollutant or pollutant parameter, unless:

(A) the activity causing the increased discharge:

(i) results in an overall improvement in water quality in the outstanding state resource water or exceptional use water; and

(ii) meets the applicable requirements of 327 IAC 2-1-2(1) and (2) and 327 IAC 2-1.5-4(a) and (b); or

(B) the person proposing the increased discharge undertakes or funds a water quality improvement project in accordance with subsection (l) in the watershed of the outstanding state resource water or exceptional use water that:

(i) results in an overall improvement in water quality in the outstanding state resource water or exceptional use water; and

(ii) meets the applicable requirements of 327 IAC 2-1-2(1) and (2) and 327 IAC 2-1.5-4(a) and (b).

(c) "Exceptional use water" means any water designated as an exceptional use water by the board, regardless of when the designation occurred.

(d) "Outstanding national resource water" means a water designated as such by the general assembly after recommendations by the board and the environmental quality service council under subsections (o) and (p). The designation must describe the quality of the outstanding national resource water to serve as the benchmark of the water quality that shall be maintained and protected. Waters that may be considered for designation as outstanding national resource waters include water bodies that are recognized as:

(1) important because of protection through official action, such as:

(A) federal or state law;

(B) presidential or secretarial action;

(C) international treaty; or

- 1 (D) interstate compact;
- 2 (2) having exceptional recreational significance;
- 3 (3) having exceptional ecological significance;
- 4 (4) having other special environmental, recreational, or
- 5 ecological attributes; or
- 6 (5) waters with respect to which designation as an
- 7 outstanding national resource water is reasonably necessary
- 8 for protection of other water bodies designated as
- 9 outstanding national resource waters.
- 10 (e) "Outstanding state resource water" means any water
- 11 designated as such by the board regardless of when the designation
- 12 occurred or occurs. Waters that may be considered for designation
- 13 as outstanding state resource waters include water bodies that have
- 14 unique or special ecological, recreational, or aesthetic significance.
- 15 (f) "Watershed" has the meaning set forth in IC 14-8-2-310.
- 16 (g) The board may designate a water body as an outstanding
- 17 state resource water by rule if the board determines that the water
- 18 body has a unique or special ecological, recreational, or aesthetic
- 19 significance.
- 20 (h) Before the board may adopt a rule designating a water
- 21 body as an outstanding state resource water, the board must
- 22 consider the following:
 - 23 (1) Economic impact analyses, presented by any interested
 - 24 party, taking into account future population and economic
 - 25 development growth.
 - 26 (2) The biological criteria scores for the water body, using
 - 27 factors that consider fish communities, macro invertebrate
 - 28 communities, and chemical quality criteria using
 - 29 representative biological data from the water body under
 - 30 consideration.
 - 31 (3) The level of current urban and agricultural development
 - 32 in the watershed.
 - 33 (4) Whether the designation of the water body as an
 - 34 outstanding state resource water will have a significant
 - 35 adverse effect on future population, development, and
 - 36 economic growth in the watershed, if the water body is in a
 - 37 watershed that has more than three percent (3%) of its land
 - 38 in urban land uses or serves a municipality with a population
 - 39 greater than five thousand (5,000).
 - 40 (5) Whether the designation of the water body as an
 - 41 outstanding state resource water is necessary to protect the
 - 42 unique or special ecological, recreational, or aesthetic
 - 43 significance of the water body.
- 44 (i) Before the board may adopt a rule designating a water body
- 45 as an outstanding state resource water, the board must make
- 46 available to the public a written summary of the information
- 47 considered by the board under subsections (g) and (h), including
- 48 the board's conclusions concerning that information.
- 49 (j) The commissioner shall present a summary of the
- 50 comments received from the comment period and information that
- 51 supports a water body designation as an outstanding state resource

1 water to the environmental quality service council not later than
 2 one hundred twenty (120) days after the rule regarding the
 3 designation is finally adopted by the board.

4 (k) Notwithstanding any other provision of this section, the
 5 designation of an outstanding state resource water in effect on
 6 January 1, 2000, remains in effect.

7 (l) For a water body designated as an outstanding state
 8 resource water, the board shall provide by rule procedures that
 9 will:

10 (1) prevent degradation; and

11 (2) allow for increases and additions in pollutant loadings
 12 from an existing or new discharge if:

13 (A) there will be an overall improvement in water
 14 quality for the outstanding state resource water as
 15 described in this section; and

16 (B) the applicable requirements of 327 IAC 2-1-2(1) and
 17 327 IAC 2-1-2(2) and 327 IAC 2-1.5-4(a) and 327
 18 2-1.5-4(b) are met.

19 (m) The procedures provided by rule under subsection (l) must
 20 include the following:

21 (1) A definition of significant lowering of water quality that
 22 includes a de minimis quantity of additional pollutant load:

23 (A) for which a new or increased permit limit is
 24 required; and

25 (B) below which antidegradation implementation
 26 procedures do not apply.

27 (2) Provisions allowing the permittee to choose application of
 28 one (1) of the following for each activity undertaken by the
 29 permittee that will result in a significant lowering of water
 30 quality in the outstanding state resource water or exceptional
 31 use water:

32 (A) Implementation of a water quality project in the
 33 watershed of the outstanding state resource water or the
 34 exceptional use water that will result in an overall
 35 improvement of the water quality of the outstanding
 36 state resource water or the exceptional use water.

37 (B) Payment of a fee, not to exceed five hundred
 38 thousand dollars (\$500,000) based on the type and
 39 quantity of increased pollutant loadings, to the
 40 department for deposit in the outstanding state resource
 41 water improvement fund established under section 14 of
 42 this chapter.

43 (3) Criteria for the submission and timely approval of
 44 projects described in subdivision (2)(A).

45 (4) A process for public input in the approval process.

46 (5) Use of water quality data that is less than seven (7) years
 47 old and specific to the outstanding state resource water.

48 (6) Criteria for using the watershed improvement fees to
 49 fund projects in the watershed that result in improvement in
 50 water quality in the outstanding state resource water or
 51 exceptional use water.

(n) For a water body designated as an outstanding state resource water after June 30, 2000, the board shall provide by rule antidegradation implementation procedures before the water body is designated in accordance with this section.

(o) A water body may be designated as an outstanding national resource water only by the general assembly after recommendations for designation are made by the board and the environmental quality service council.

(p) Before recommending the designation of an outstanding national resource water, the department shall provide for an adequate public notice and comment period regarding the designation. The commissioner shall present a summary of the comments and information received during the comment period and the department's recommendation concerning designation to the environmental quality service council not later than ninety (90) days after the end of the comment period. The council shall consider the comments, information, and recommendation received from the department, and shall convey its recommendation concerning designation to the general assembly within six (6) months after receipt."

Page 4, delete lines 26 through 34, begin a new line and insert:

"if:

- (1) the plan provides for the implementation of cost effective control alternatives that will attain water quality standards or maximize the extent to which water quality standards will be attained if they are not otherwise attainable;
- (2) the plan provides, at a minimum, for the capture for treatment of first flush;
- (3) the plan is reviewed periodically; and
- (4) additional controls are implemented as provided in section 2.4 of this chapter.

Cost effectiveness may be determined, at the option of the permit holder, by using a knee of the curve analysis."

Page 5, line 3, delete "The department shall" and insert "A permit holder shall review the feasibility of implementing additional or new control alternatives to attain water quality standards, including standards suspended under section 2.5 of this chapter. The permit holder shall conduct such a review periodically, but not less than every five (5) years after approval of the long term control plan by the department. The permit holder shall:

- (1) document to the department that the long term control plan has been reviewed;
- (2) update the long term control plan as necessary;
- (3) submit any amendments to the long term control plan to the department for approval; and
- (4) implement control alternatives determined to be cost effective.

Cost effectiveness may be determined, at the option of the permit holder, by using a knee of the curve analysis."

Page 5, delete lines 4 through 34, begin a new paragraph, and insert:

"SECTION 20. IC 13-18-3-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. (a) Subject to the limitations of subsection (d), designated uses and associated water quality criteria are temporarily suspended on a site specific basis, for waters affected by discharges from combined sewer overflow points listed in the National Pollutant Discharge Elimination System (NPDES) permit due to wet weather events, if:

- (1) the department has approved a long term control plan for the NPDES permit holder for the combined sewer system;
- (2) the approved long term control plan is incorporated into the permit holder's NPDES permit;
- (3) the approved long term control plan:
 - (A) satisfies the requirements of section 2.3 of this chapter; and
 - (B) specifies the designated uses and water quality standards to be suspended under this section;
- (4) the permit holder:
 - (A) has implemented the approved long term control plan; or
 - (B) is implementing the approved long term control plan in accordance with the schedule approved in the long term control plan;
- (5) the permit holder is in compliance with the requirements for the operation and maintenance of its wastewater treatment facilities and combined sewer system, including its combined sewer operational plan approved by the department; and
- (6) the provisions of 40 CFR 131.10, 40 CFR 131.20, and 40 CFR 131.21 are satisfied.

The provisions of 40 CFR 131.10 may be satisfied by including appropriate data and information in the long term control plan.

(b) Existing uses as defined in 40 CFR 131.3(e) and associated water quality criteria may be suspended only in accordance with federal law.

(c) To the extent permitted under federal law, the department shall provide a compliance schedule for attainment of water quality based limitations for discharges from combined sewer overflow points in the NPDES permit during the period when the long term control plan is being developed.

(d) A temporary suspension applies only:

- (1) to the NPDES permit holder for discharges from the permit holder's listed combined sewer overflow points; and
- (2) during the time and to the physical extent that the designated uses and water quality standards are not attained due to the discharges from the listed combined sewer overflow points, but no more than four (4) days after the date the overflow discharge ends.

(e) The board may adopt rules in accordance with IC 13-14-8 and IC 13-14-9 to amend the water quality standards to include the terms of the temporary suspension allowed by this section.

(f) The permit holder shall monitor its discharges and the water quality in the affected receiving stream periodically, but at least every three (3) years. The permit holder shall provide all such information to the department.

(g) In conjunction with a review of its long term control plan under section 2.4 of this chapter, the permit holder shall review information generated after the use attainability analysis was approved by the department to determine whether the conclusion of the use attainability analysis is still valid. The permit holder shall provide the results of the review to the department.

(h) A temporary suspension under this section may be authorized only to the extent allowed under federal law. If the department determines that information provided under this section demonstrates that uses being suspended are attainable, the department shall promptly notify the permit holder of its determination. A permit holder may appeal the department's determination under this section in accordance with IC 4-21.5.

(i) After the effective date of the determination under subsection (h), the long term control plan may be modified to achieve attainment of the previously suspended uses and associated water quality criteria. The compliance schedule and other provisions of the NPDES permit shall also be modified as necessary.

SECTION 21. IC 13-18-3-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) The outstanding state resource water improvement fund is established. All money collected under section 2 of this chapter and any money accruing to the fund are continuously appropriated to the fund to carry out the purposes of section 2 of this chapter. Money in the fund at the end of a state fiscal year does not revert to the state general fund, unless the outstanding state resource water improvement fund is abolished.

(b) The outstanding state resource water improvement fund shall be administered as follows:

(1) The fund may be used by the department of environmental management to fund projects that will lead to overall improvement to the water quality of the affected exceptional use water or outstanding state resource water.

(2) The treasurer of state may invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(3) Any interest received accrues to the fund.

(4) The expenses of administering the fund shall be paid from the fund."

Page 7, line 13, after "." insert "The guidance must include information regarding minimization of industrial discharges in wet weather events."

Page 7, between lines 13 and 14, begin a new paragraph and insert:

"(e) The department shall report to the environmental quality

1 service council at each meeting of the council the progress of
2 guidance given under this SECTION."

3 Page 7, line 14, delete "(e)" and insert "(f)".

4 Page 7, between lines 14 and 15, begin a new paragraph and
5 insert:

6 "SECTION 25. [EFFECTIVE UPON PASSAGE] (a) As used in
7 this SECTION, "board" refers to the water pollution control board
8 established under IC 13-18-1.

9 (b) All waters designated under 327 IAC 2-1.5-19(b) as
10 outstanding state resource waters shall be maintained and
11 protected in their present quality in accordance with the
12 antidegradation implementation procedures for the outstanding
13 state resource waters established by the board for waters in the
14 Great Lakes system. Nothing in this act except IC 13-18-3-2, as
15 amended by this act, affects the authority of the board to amend
16 327 IAC 5-2-11.7. Any rule adopted by the board contrary to this
17 standard is void.

18 (c) All waters designated as outstanding state resource waters
19 under 327 IAC 2-1-2(3) and waters designated as exceptional use
20 waters under 327 IAC 2-1-6(i) shall be maintained and protected
21 in accordance with 327 IAC 2-1-2(1) and 327 IAC 2-1-2(2). If a
22 permittee seeks a new or increased discharge for which a new or
23 increased permit limit is required and that amounts to a significant
24 lowering of water quality, the permittee shall demonstrate an
25 overall improvement in water quality in the outstanding state
26 resource water or exceptional use water, subject to:

27 (1) the approval of the department of environmental
28 management; and

29 (2) IC 13-18-3-2(m)(2)(A) and IC 13-18-3-2(m)(2)(B), as
30 amended by this act.

31 (d) Any rule adopted by the board before the effective date of
32 this SECTION is void to the extent that it:

33 (1) is inconsistent with this SECTION; or

34 (2) requires protection of waters beyond the protection
35 required by 327 IAC 2-1-2(1) and 327 IAC 2-1-2(2).

36 (e) Before January 1, 2001, the board shall amend 327
37 IAC 2-1-2, 327 IAC 2-1-6, and 327 IAC 2-1.5-4 to reflect this act.

38 (f) This SECTION expires on the earlier of:

39 (1) the effective date of the rule amendments adopted by the
40 board under subsection (e); or

41 (2) January 1, 2001.

42 SECTION 26. [EFFECTIVE UPON PASSAGE] (a) As used in
43 this SECTION, "department" refers to the department of
44 environmental management.

45 (b) Before July 1, 2001, the department shall develop and
46 maintain a quality assurance program plan and information
47 management system to assess the validity and reliability of the data
48 used in the implementation of IC 13-18-2-3, as added by this act,
49 and IC 13-18-3-2, as amended by this act.

50 (c) The department:

51 (1) shall make data from the information management

1 system under subsection (b) available to the public upon
 2 request; and
 3 (2) may charge a reasonable fee to persons requesting the
 4 data.

5 (d) The department shall use the data from the information
 6 management system under subsection (b) to review the data as of
 7 January 1, 2002, supporting:

- 8 (1) the listing of impaired waters under IC 13-18-2-3, as
 9 added by this act; and
- 10 (2) the special designation of waters under IC 13-18-3-2, as
 11 amended by this act.

12 (e) Before July 1, 2000, the environmental quality service
 13 council shall appoint a water data task force to assess the program
 14 resource needs of the department to collect adequate physical,
 15 chemical, and biological data used by the department. The task
 16 force shall present its findings to the environmental quality service
 17 council upon completion.

18 (f) The water data task force appointed under subsection (e)
 19 shall include four (4) members of the general assembly, the
 20 chairperson of the environmental quality service council, and
 21 representatives of the following:

- 22 (1) The academic community in the disciplines of biology,
 23 chemistry, and hydrology.
- 24 (2) The department.
- 25 (3) The department of natural resources.
- 26 (4) The United States Geological Survey.
- 27 (5) Private chemical water testing laboratories.
- 28 (6) Industry.
- 29 (7) Agriculture.
- 30 (8) Environmental advocacy organizations.
- 31 (9) General citizens.
- 32 (10) Municipalities.
- 33 (11) The water pollution control board.
- 34 (12) Local public health officials.
- 35 (13) The state department of health.
- 36 (14) The United States Fish and Wildlife Service.

37 (g) This SECTION expires October 1, 2002.

38 SECTION 27. [EFFECTIVE UPON PASSAGE] (a) Until
 39 October 1, 2002, the following apply to a water body designated
 40 before October 1, 2002, as an exceptional use water:

- 41 (1) The water body is subject to the overall water quality
 42 improvement provisions of IC 13-18-3-2(l), as added by this
 43 act.
- 44 (2) The water body is not subject to a standard of having its
 45 water quality maintained and protected without degradation
 46 consistent with the provisions of this act.

47 (b) Before October 1, 2002, the water pollution control board
 48 established under IC 13-18-1 shall:

- 49 (1) determine whether, effective October 1, 2002, to
 50 designate as an outstanding state water each water
 51 designated before October 1, 2002, as an exceptional use

1 water under 327 IAC 2-1-11; and

2 (2) complete rulemaking to make any designation
3 determined under subdivision (1).

4 (c) This SECTION expires January 1, 2003.

5 SECTION 28. [EFFECTIVE UPON PASSAGE] (a) As used in
6 this SECTION, "board" refers to the water pollution control board
7 established under IC 13-18-1.

8 (b) Before October 1, 2003, the board shall establish policies
9 and rules to govern the implementation of total maximum daily
10 load requirements of Section 303(d) of the Clean Water Act, 33
11 U.S.C. 1313(d).

12 (c) Before July 1, 2000, the department shall appoint a
13 working group of stakeholders with respect to the implementation
14 of maximum daily load requirements as described in subsection
15 (b). The working group shall consider and make recommendations
16 to the department of environmental management and the board on
17 identification of issues, the development of policy options, policy
18 adoption, and rulemaking. The working group must include
19 representatives from:

20 (1) the general public;

21 (2) municipalities;

22 (3) industry;

23 (4) business;

24 (5) agriculture;

25 (6) environmental advocacy groups; and

26 (7) others with a high level of expertise in the subject area to
27 be considered by the working group.

28 (d) The working group appointed under subsection (c) must
29 also include the following members:

30 (1) a representative of the environmental quality service
31 council;

32 (2) a technical secretary; and

33 (3) a member of the board.

34 (e) This SECTION expires October 1, 2003."

35 Renumber all SECTIONS consecutively.

(Reference is to ESB 431 as printed February 17, 2000.)

Conference Committee Report
on
Engrossed Senate Bill 431

Signed by:

Senator Gard
Chairperson

Representative Lutz J

Senator Young R

Representative Sturtz

Senate Conferees

House Conferees